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REMARKS AUG 04 2006

I. INTRODUCTION

Claims 1, 4-6, 9-11, 14-16, and 19-20 have been amended. No new matter has been added. Thus, claims 1-20 remain pending in this application. It is respectfully submitted that based on the above amendments and the following remarks all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 101 REJECTION SHOULD BE WITHDRAWN

The Examiner rejected claims 16-20 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, specifically a signal. (See 5/5/06 Office Action, p. 2). Independent claim 16 has been amended according to the Examiner's statement to now claim statutory subject matter. Specifically, claim 16 recites a "computer-readable medium encoded with computer signals." Claims 17-20 depend from and, therefore include all the limitations of claim 16. Thus, it is respectfully requested that the Examiner should withdraw the 35 U.S.C. § 101 rejection of claims 16-20.

III. THE 35 U.S.C. § 102(e) REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 1, 3-6, 8-11, 13-16, and 18-20 under 35 U.S.C. § 102(e) as unpatentable over U.S. Pat. No. 6,637,029 (Maissel). (See 5/5/06 Office Action, p. 3-4).

Maissel is directed toward a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information. An intelligent agent customizes the program schedule information based on the viewer preference profile to produce an electronic program guide including customized program schedule information. (See Maissel, abstract). Although the intelligent agent preferably customizes the electronic program guide, any subsequent updates to the guide are viewable when

[US 010686]

a user manually accesses it.

Claim 1 recites "wherein the graphical element is dynamically updated in response to any change to the specified criteria or the search pool." Although the original recitation of claim 1 implies that the updates are done dynamically, Applicants have amended claim 1 to expressly denote that the updating of the present invention is done dynamically. (See Specification, p. 17, ll. 5-12; Fig. 3). The graphical element on the display is updated whenever a change is made. The graphical element is continuously updating whenever a change is entered by a user. In contrast, Maissel incorporates an intelligent agent that customizes an electronic program guide. However, when changes are made to the viewer preference profile, the viewer must manually reaccess the electronic program guide to view an updated version of the electronic program guide. That is, without reaccessing the electronic program guide, a static view of the guide is shown. Maissel contains no disclosure about a dynamically changing electronic program guide in response to any change.

Thus, it is respectfully submitted that Maissel does not disclose or suggest "wherein the graphical element is dynamically updated in response to any change to the specified criteria or the search pool," as recited in claim 1. Accordingly, it is respectfully requested that the Examiner withdraw the 35 U.S.C. § 102(e) rejection of claim 1. Because claims 3-5 depend from and, therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claims 6, 11, and 16 recite exactly the same limitation discussed above for claim 1. Thus, for the same reasons discussed above for claim 1, it is respectfully requested that the Examiner withdraw the 35 U.S.C. § 102(e) rejection of claim 6, 11, and 16, and all claims depending therefrom.

[US 010686]

IV. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 2, 7, 12, and 17 under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 6,637,029 (Maissel) in view of U.S. Pat. No. 6,243,093 (Czerwinski). (See 5/5/06 Office Action, p. 4-5). Maissel was discussed above.

Czerwinski is directed toward a graphical user interface in which object thumbnails are rendered on a simulated three-dimensional surface which exploits spatial memory and allows more objects to be rendered on a given screen. The objects may be moved, continuously, on the surface with a two-dimensional input device. (See Czerwinski, abstract). The rendering and exploiting is done after a user manually updates the graphical user interface.

The Examiner correctly stated that Maissel does not expressly teach “the graphical feature of each graphical element depending upon the relevance of the associated item to specified criteria further comprises one of a size of the graphical element or a perceived proximity of the graphical element to a viewer.” (See 5/5/06 Office Action, p. 4, l. 22 – p. 5, l. 2). The Examiner attempted to cure this deficiency with Czerwinski. However, Czerwinski does not cure the above described deficiencies of Maissel.

Thus, it is respectfully submitted that neither Maissel nor Czerwinski, either alone or in combination, discloses or suggests “wherein the graphical element is dynamically updated in response to any change to the specified criteria or the search pool,” as recited in claims 1, 6, 11, and 16. Because claims 2, 7, 12, and 17 depend therefrom and, therefore, include all the limitations of allowable independent claims 1, 6, 11, and 16, it is respectfully submitted that these dependent claims are allowable for at least the reasons stated above.

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AUG 04 2006

[US 010686]

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Please direct all future correspondence to:

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